

### **REMARKS/ARGUMENTS**

In response to the Office Action mailed November 28, 2007, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, claim 1 is amended, no claims have been cancelled without prejudice and no claims have been added so that claims 1-6 remain pending.

Claims 1-2 were rejected as being unpatentable over U.S. Patent No. 5,122,154 to Rhule et al. (Rhodes) in view of U.S. Patent Publication No. 2003/0065378 to Chevillion et al. (Chevillion). Claims 1-6 were rejected as being unpatentable over Chevillion in view of U.S. Patent No. 5,476,506 to Lunn (Lumm). Claims 1, 2, 5 and 6 were rejected as being unpatentable over U.S. Patent No. 3,693,085 to Buirge et al. (Buirge) in view of Lunn. These rejections are respectfully traversed.

The MPEP, in section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In *re Vaeck*, 947 F.2d,488,20 USPQ2d 1438 (Fed.Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

Section 2143.03 of the MPEP clarifies certain criteria in section 706.02(j).

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“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 490F.2d 981, 180 USPQ 580 (CCPA 1074). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In *re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988).”

Rhodes discloses an endovascular bypass graft. Chevillon discloses a medical set for intervention of an anatomical device sealing ring. Lunn discloses a bi-directional crimped graft. Buirge discloses a stent with collagen.

None of these references, whether taken alone or in combination disclose or suggest the structure of amended claim 1. Specifically, none of the references disclose or suggest a stent with sinusoidal connector rings having two peaks between each cell of stents. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Carl J. Evens/

By: \_\_\_\_\_  
Carl J. Evens  
Reg. No. 33,874

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2518  
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